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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,
ARIEL FUND LTD., ASCOT PARTNERS, L.P.,
ASCOT FUND LTD., GABRIEL CAPITAL
CORPORATION,

Defendants.

Adv. Pro. No. 09-01182 (SMB)

**DECLARATION OF BRIAN W. SONG IN SUPPORT OF TRUSTEE'S
OPPOSITION TO DEFENDANTS' MOTION *IN LIMINE* TO
EXCLUDE THE EXPERT TESTIMONY OF LISA M. COLLURA**

I, Brian W. Song, declare the following:

1. I am a Partner with the law firm of Baker & Hostetler LLP, counsel to Irving H. Picard, as trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.*, and the chapter 7 estate of Bernard L. Madoff (“Madoff”).
2. I submit this declaration in support of the Trustee’s Opposition to Defendants’ Motion *In Limine* to Exclude the Expert Testimony of Lisa M. Collura.
3. True and correct copies of the following documents are attached:

Exhibit 1: Excerpts from the deposition transcript of Lisa M. Collura dated June 18, 2015.

Exhibit 2: Initial Expert Report of Lisa M. Collura Exhibit 7–List of All Cash Transactions in the Merkin Accounts.

Exhibit 3: Excerpts from the deposition transcript of Paul K. Meyer dated July 10, 2015.

I declare under penalty of perjury that the foregoing is true and correct pursuant to 28 U.S.C § 1746(2).

Dated: June 13, 2017
New York, New York

By: /s/ Brian W. Song
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